

**TOWN OF DAVIE  
REGULAR MEETING  
DECEMBER 1, 2004**

**1. PLEDGE OF ALLEGIANCE**

The meeting was called to order at 7:00 p.m. and was followed by the Pledge of Allegiance.

**2. ROLL CALL**

Present were Mayor Truex, Vice-Mayor Paul, Councilmembers Crowley, Hubert and Starkey. Also present were Interim Town Administrator Kovanes, Town Attorney Kiar, and Town Clerk Muniz recording the meeting.

**3. OPEN PUBLIC MEETING**

Mayor Truex advised of the rules for the Open Public Meeting.

Kristen Aronowitz, 5060 SW 61 Avenue, spoke of financial difficulties for single parents and the need for affordable housing in Davie.

Dana Ritter, 5060 SW 61 Avenue, also spoke of the need for affordable housing in Davie.

Katie Tame, 5060 SW 64 Avenue, spoke of the need for affordable housing in Davie.

Melanie Bonacorda, 5901 Palm Trace Landings, spoke of the need for affordable housing in Davie.

Sheila Preston, 5060 SW 64 Avenue, also spoke of the need for affordable housing in Davie.

Tina Wright, 3920 SW 61 Avenue, spoke on behalf of a group of residents who desired to see a dog park created in the Town and provided a petition for a dog park.

Fran Oppedisano, 1061 SW 117 Way, also spoke of her desire to see a dog park created within the Town.

Sandra Amaya, board member of Davie Parks and Recreation Advisory Board, voiced her support for a dog park. She advised that members of the Board had prepared an estimate of costs for a dog park and had also determined four possible locations. Ms. Amaya stated that interested residents were making efforts to organize a non-profit organization, which would try to locate corporate sponsors for the dog park.

Vice-Mayor Paul spoke of the challenges of creating a dog park at the recommended sites because the grants used to obtain certain parks. However, she felt that if the Town went forward with an open space bond which was currently being considered, she did not see why some of the funding could not be used to create an open space area where a dog park might fit. Mayor Truex stated that he was in favor of this concept.

A resident of District 4 spoke in support of a dog park and asked Council to consider the recommendations of the Board.

Brent Adrian, 5600 SW 48 Street, addressed those residents who "complained about the lack of affordable housing" and felt they needed to plan ahead for childcare and housing expenses.

Yvonne Siegest, resident of Everglades Mobile Home community, spoke about her community's potential to become homeless if their area was acquired for airport expansion.

Michael Bartlett, 4301 SW 105 Avenue, spoke about the intense truck traffic and other ongoing challenges and violations related to the Town's agreement with the contractor for Camelot Estates. He requested that pedestrian, horse and bicyclist connectivity between Camelot and 40th Street be addressed.

Councilmember Starkey spoke of ongoing problems throughout the Town with subcontractors who violated their terms. She felt that more could be done to fine violators. Vice-Mayor Paul stated that some contractors had to be shut down for half a day or for a day for them to stop violating their terms. Development Services Director Mark Kutney advised that staff was on top of this and that a special

## **TOWN COUNCIL MINUTES**

### **DECEMBER 1, 2004**

magistrate hearing was scheduled for December 14th. Vice-Mayor Paul felt that as an option, staff should consider shutting down the subcontractor.

Dean Alexander, 13820 SW 16 Street, spoke of matters raised by the Senior Citizen Advisory Board, including the need for facilities for seniors to shelter their pets in the event of a hurricane. He asked about Red Cross shelters and whether overflow facilities could be assigned to residents with pets in the event of a hurricane. Mr. Alexander spoke of the need for defibrillators at the Town's facilities. Fire Chief Don DiPetrillo spoke of the Town's recent purchase of defibrillators and future plans to acquire more.

Councilmember Starkey advised that she had attended a recent Florida League of Cities meeting where FEMA officials had discussed improving plans for evacuation of mobile home communities. She indicated that a special session would be held in December on hurricane related issues and added that the need for a pet shelter had been acknowledged. Councilmember Starkey stated that legislation was being drafted to address these issues and encouraged residents to contact their city legislators to keep pushing for these changes.

Mayor Truex announced that items 6.3 and 6.4 had been requested to be tabled to February 2, 2005.

Vice-Mayor Paul made a motion, seconded by Councilmember Hubert, to table. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Truex indicated that item 4.13 needed to be added to the agenda. Vice-Mayor Paul objected to adding this item as Mr. Kiar had just received the documentation that evening. Councilmember Starkey also objected to adding this item and wanted this redrafted so the Agenda Report went through the Town Administrator. Mayor Truex recommended holding an Executive Session prior to the next Council meeting to discuss this issue.

Mayor Truex announced that item 6.2 had been requested to be tabled to February 16, 2005.

Vice-Mayor Paul made a motion, seconded by Councilmember Starkey, to table. In a voice vote, with Councilmember Hubert dissenting, all voted in favor. (Motion carried 4-1)

#### **4. APPROVAL OF CONSENT AGENDA**

##### *Minutes*

4.1. November 3, 2004 (Regular Meeting)

##### *Proclamation*

4.2. Christmas Toys in the Sun Run Day in Davie (December 5, 2004)

##### *Home Occupational License*

4.3. Air Murphy, 2901 SW 137 Terrace

##### *Resolutions*

4.4. **MITIGATION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A REQUEST FOR MITIGATION OF THE CODE COMPLIANCE LIEN IN CASE NO. 04-158 FROM \$56,500.00 TO \$11,444.19; AND PROVIDING AN EFFECTIVE DATE.**

**TOWN COUNCIL MINUTES  
DECEMBER 1, 2004**

- 4.5. **AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,**  
R-2004-267 **AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO AN AGREEMENT  
BETWEEN THE FLORIDA GOVERNMENT FINANCE OFFICER'S ASSOCIATION  
(FGFOA) AND THE TOWN OF DAVIE TO WAIVE RENTAL FEES. (\$500 waiver)**
- 4.6. **AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,**  
R-2004-268 **AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO AN AGREEMENT  
BETWEEN THE DAVIE RODEO ASSOCIATION, INC. AND THE TOWN OF  
DAVIE, FLORIDA FOR THE RENTAL OF THE BERGERON RODEO GROUNDS,  
OF DAVIE FLORIDA. (High School Youth Rodeo - \$1,500 waiver)**
- 4.7. **AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,**  
R-2004-269 **AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO AN AGREEMENT  
BETWEEN THE DAVIE RODEO ASSOCIATION, INC. AND THE TOWN OF  
DAVIE, FLORIDA FOR THE RENTAL OF THE BERGERON RODEO GROUNDS,  
OF DAVIE FLORIDA. (Jack Pot Rodeo - \$3,120)**
- 4.8. **AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,**  
R-2004-270 **AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR AND APPROPRIATE  
STAFF TO ENTER INTO AN AGREEMENT BETWEEN NOVA SOUTHEASTERN  
UNIVERSITY AND THE TOWN OF DAVIE TO PARTICIPATE IN THE A.D.A.P.T.  
PROGRAM. (\$20,000)**
- 4.9. **EASEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, DELETING**  
R-2004-271 **A 30-FOOT LANDSCAPE EASEMENT FROM THE GULF UNIVERSITY AND  
NOVA PLAT; AND PROVIDING AN EFFECTIVE DATE. (DG 9-3-04, 2399 South  
University Drive)**

*Quasi-Judicial Consent Agenda*

- 4.10. SP 5-8-04, Strike Zone Plaza, 12425 Orange Drive (B-3) *Site Plan Committee recommended approval based on the planning report and the following comments: 1) that staff research the Broward County Greenways Plan and if there is anything to be modified in order to match the County's plan, then it needs to be addressed before going to Town Council; 2) on the bank entry canopy, the floor plan is to match the revised elevation and that element should either "die" into the other roof or make it a tower, to be worked out with staff; 3) eliminate one of the teller drive-thru lanes at the end in order to make a by-pass lane; 4) reduce the overhang over the by-pass lane so that there is no obstruction thereby allowing a 14-foot height; and 5) on the shopping center portion, have the rear service area to match the same requirements as the "sister" retail building to the north insofar as landscaping and walls are concerned*
- 4.11. SP 5-10-04, West Park-East Parcel, 351 SW 136 Avenue (B-2) *Site Plan Committee recommended approval subject to staff's notes and that the photometric plan should be corrected; staff is to check that the tree and landscaping located in the western part of the parking lot does not interfere with the visibility of the last parking space; mark the crosswalks on the east side into the building; and add a sidewalk at the corner of the northeast corner to join the existing sidewalk*

**TOWN COUNCIL MINUTES**  
**DECEMBER 1, 2004**

- 4.12. SP 6-7-04, Exxon Mobil, 2399 South University Drive (B-2) *Site Plan Committee recommended approval based on the planning report; that the comment for the wheel stops in the parking spaces be eliminated since the issue had been addressed on the site plan; and that the illuminated band on the gas canopy be non-illuminated blue metal material like the rest of the canopy*

Councilmember Hubert pulled item 4.10 from the Consent Agenda. Councilmember Crowley pulled item 4.4. Councilmember Starkey pulled item 4.1. Vice-Mayor Paul pulled items 4.2, 4.9, 4.11, and 4.12.

Councilmember Starkey made a motion, seconded by Vice-Mayor Paul, to approve the Consent Agenda minus items 4.1, 4.2, 4.4, 4.9, 4.10, 4.11, and 4.12. In a voice vote, all voted in favor. (Motion carried 5-0)

**5. DISCUSSION OF CONSENT AGENDA ITEMS**

4.1 Councilmember Starkey made a motion, seconded by Vice-Mayor Paul, to approve, subject to corrections given for pages 7 and 10. In a voice vote, all voted in favor. (Motion carried 5-0)

4.2 Vice-Mayor Paul read the proclamation. Mr. Amchir thanked Council and invited the public and the Council to attend the toy run.

Vice-Mayor Paul made a motion, seconded by Mayor Truex, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

4.4 Councilmember Crowley voiced his displeasure with the mitigated amount and made a motion to deny. He entered into the record two photographs of the site that showed violations.

Mr. Kutney indicated there was still some question about compliance and recommended tabling the item. Councilmember Crowley reiterated his stance that Code compliance needed to be strictly enforced and indicated that he would continue to deny this until these issues were addressed. Vice-Mayor Paul agreed with Councilmember Crowley that if the Town continued to allow these to go through at the bare minimum, then infractions would continue to occur. Mayor Truex felt that if the site was not in compliance, the item should be tabled. Mr. Kutney indicated that staff would welcome further direction from Council as similar requests related to other mitigation would be forthcoming. Councilmember Crowley offered to meet with Code Compliance Supervisor Daniel Stallone to discuss this issue.

Councilmember Crowley made a motion, seconded by Mayor Truex, to table to January 19, 2005. In a voice vote, all voted in favor. (Motion carried 5-0)

4.9 and 4.12 Mayor Truex voiced his opposition to item 4.9.

Mr. Kiar read the rules of evidence and swore in the witnesses. Planning and Zoning Manager Fernando Leiva summarized the planning report.

Brett Nevaril, representing the owner, stated that the site plan was the same plan presented to the homeowners, which had received full support.

Mayor Truex asked if item 4.9 were denied, would the applicant still be able to build the project according to the site plan. Mr. Nevaril explained why this would not be possible. Mayor Truex asked if they could develop it to Code. Mr. Nevaril responded no.

Councilmember Starkey asked if the surrounding community would be adequately buffered and to what extent. Mr. Nevaril advised that the wall height had been increased and the buffer exceeded the Town's requirement. He indicated that the caliper and height of the oak trees had been increased by 14 feet and 4 inches.

**TOWN COUNCIL MINUTES**  
**DECEMBER 1, 2004**

Mr. Kiar opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Mr. Nevaril stated that many residents supported this project and asked that Council consider this.

Councilmember Starkey advised she had spoken with the public. She stated that she was still concerned about protecting and buffering the residents adequately.

Vice-Mayor Paul asked if increasing the caliper of the trees from four inches to six inches would be desirable. She asked Urban Forester Mike Orfanedes to make a recommendation. Mr. Orfanedes stated that he was not sure increasing the size of the caliper of the trees would be as effective as increasing the density of the buffer itself. He advised that the trees were hard to come by and did not think increasing the size of the trunks would achieve the desired effect.

Vice-Mayor Paul suggested that Council approve this with the caveat of sending it back to landscaping to make further changes to provide adequate buffering. Mr. Orfanedes indicated that staff would be willing to meet with the applicant to discuss this further.

Councilmember Hubert made a motion, seconded by Councilmember Crowley, to approve item 4.9. In a voice vote, with Mayor Truex dissenting, all voted in favor. (Motion carried 4-1)

Councilmember Hubert made a motion, seconded by Councilmember Crowley, to approve item 4.12 subject to working with the landscaping department to better buffer the community. In a voice vote, with Mayor Truex dissenting, all voted in favor. (Motion carried 4-1)

4.10 Councilmember Hubert voiced her concern about the Town making one-third of the payment.

An unidentified man waived his rights to cross-examination.

Vice-Mayor Paul asked if the estimate included the widening on Griffin Road. Town Engineer Larry Peters explained the differences in the cost estimates and spoke of issues related to signalization. He explained that work had been outsourced to a consultant, who had not yet finalized the assessment report or estimate. Manny Synalovski, representing the applicant, advised that he was unaware that there was an issue with different cost estimates and signalization.

Mayor Truex asked if staff had concluded its research on these matters. Mr. Synalovski stated that all of staff's concerns had been addressed.

Vice-Mayor Paul asked who would participate in making the payments for the traffic signal. Mr. Peters stated that Broward County had agreed to pay one-third. Vice-Mayor Paul voiced her concerns about landscaping.

Dennis Mele gave his recollection of the discussion on fees and stated that all who were present had been under the impression that they would be responsible for one-third of approximately \$100,000, not \$300,000 as stated by Mr. Peters. Mr. Peters stated that the estimate was only an estimate and that the scope had not grown.

Vice-Mayor Paul voiced her frustration that the estimate was so much higher than originally anticipated. Councilmember Hubert asked how much the estimate had increased. Mr. Mele stated that the original figure was \$101,719 while the current estimate was \$375,000. Councilmember Starkey stated she did not understand how the estimate could have tripled without the scope increasing.

Mayor Truex asked if staff had any conclusion on site plan items to be researched such as conforming to the Greenways Plan. Mr. Peters advised that the improvements were in concert with this plan. Mr. Synalovski advised that items 1, 2, 3, 4 and 5 had been satisfied by staff.

Vice-Mayor Paul asked if the owner had contracted yet for any stores. Mr. Synalovski said he did not have a complete list of who the tenants would be. Vice-Mayor Paul asked about the Strike Zone. Mr. Synalovski advised that the Strike Zone was a business owned by a former Florida Marlins player that

**TOWN COUNCIL MINUTES  
DECEMBER 1, 2004**

would occupy part of the building. He stated that another end of the building would house a Starbucks. Mr. Synalovski added that a portion of the building would be medical, another portion would be retail, and another portion would be for storage.

Vice-Mayor Paul questioned if there would be anywhere along the guardrail for an opening and spoke of the need to beef up the landscaping on the perimeter. She felt it was irresponsible for any preliminary figures to be issued by the consultant, who then came back with such a tremendous difference in the estimate. She wanted to see this item tabled until there was a resolution on the fees. Mr. Kutney explained how this issue had arrived at this stage based on the three entities involved and based on the early "floating figure" estimated. Mr. Mele also voiced his understanding of this matter.

Vice-Mayor Paul spoke of challenges based on the fact that the original plat had been approved in the 1990s. Councilmember Starkey pointed out that while some traffic concurrency studies had been approved in the 1990s, other studies were not approved by other contracting parties.

Vice-Mayor Paul felt that people had to realize that the Town had planned for some developments back in the early 1990s and that developers sat on the plans even though the plats were approved. She stated that if Council did not have a vision of the future, what looked to be an improvement five to ten years ago might not actually stand true today. Vice-Mayor Paul pointed out that Council had to "continually make adjustments."

Vice-Mayor Paul reiterated her desire to table this discussion until there was some resolution on the figures. She wanted Council to know why there was such a discrepancy between the two figures.

Vice-Mayor Paul made a motion, seconded by Mayor Truex, to table to December 15, 2004. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Paul - yes; Councilmember Crowley - yes; Councilmember Hubert - yes; Councilmember Starkey - yes. (Motion carried 5-0)

4.11 Mr. Kiar read the rules of evidence and swore in the witnesses.

Jeff Evans, representing the petitioner, spoke of the merits of the project.

Mr. Kiar opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Vice-Mayor Paul advised that she had spoken to a resident who lived behind the location. She stated that she liked the design and voiced her support of the project. Vice-Mayor Paul asked about the painted crosswalks. Mr. Evans explained that the access from 136th Street needed to be properly marked so people coming around the corner would not hit pedestrians. Vice-Mayor Paul asked about the concrete pavers and whether they were stamped. Mr. Evans explained that the concrete pavers to be used could be repaired easily if they were damaged. Vice-Mayor Paul questioned how the overall project would be affected if Council decided it wanted to limit three free spaces. She stated she did not like the spaces on the west side next to the retention area and preferred to see that area improved with landscaping and water retention. Vice-Mayor Paul asked if the bottlebrush trees would be replaced if they were in poor condition. She questioned if trees other than Sabal Palms could be used to provide a denser landscape buffer in the retention area. Mr. Evans had no objection to these requests.

Vice-Mayor Paul made a motion, seconded by Mayor Truex, to approve pending discussion with the landscaping department on making improvements along the west side of the property and reviewing where brick pavers could be used. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Paul - yes; Councilmember Crowley - yes; Councilmember Hubert - yes; Councilmember Starkey - yes. (Motion carried 5-0)

**TOWN COUNCIL MINUTES  
DECEMBER 1, 2004**

**6. PUBLIC HEARING**

*Ordinance - First Reading/Quasi Judicial Item (Second and Final Reading to be held December 15, 2004)*

- 6.1. **REZONING** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 7-1-04, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM A-1, AGRICULTURAL DISTRICT TO R-1, ESTATE DWELLING DISTRICT ONE (1) UNIT AN ACRE; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 7-1-04/FX 7-1-04, Leigh Robinson Kerr and Associates/McCall Nursery, 4621 SW 58 Avenue) *Planning and Zoning Board recommended denial*

Town Clerk Muniz read the ordinance by title.

Mayor Truex announced there would be a public hearing on this ordinance at the December 15, 2004 meeting.

Mr. Kiar read the rules of evidence and swore in the witnesses. Mr. Leiva summarized the planning report.

Councilmember Starkey asked if the request for denial was based on 168 units or on the 98 units. Mr. Leiva responded that the request was based on the 168 units on the previous application.

Mayor Truex asked why the rezoning did not have to go back to the Planning and Zoning Board. Mr. Kutney explained that Council could send this back to the Board, but felt that the applicant could seek a lower zoning request, which would be appropriate.

Mr. Mele, representing the petitioner, indicated that his client was seeking one unit per acre. He indicated that a variance application had been submitted but needed to be modified to reflect that the lots would be no less than 20,000 square feet. Mr. Mele displayed various renderings showing traffic calming measures and additional features incorporating modifications requested by residents in the area. He explained the purpose for the rezoning request to R1, based on the deadline pending on the existing contract.

Mayor Truex asked if the north parcel had anything to do with the rezoning application. Mr. Mele advised that this parcel was part of the legal description of the property but would not be developed. He indicated that his client could remove this if necessary. Mayor Truex asked if the site plan renderings displayed were what Council was voting on that evening. Mr. Mele stated that only the rezoning was being voted on that evening, not the site plan.

Councilmember Hubert asked Council where the 115 reserve units would go in the Town. Mr. Mele stated the Town would keep the units until they were allocated somewhere. Councilmember Hubert wondered if they could be used for affordable housing. Mr. Mele pointed out that since the flex zone boundary was large, it was up to Council to allocate those units within the appropriate area, as they did not belong within the piece being discussed.

Mr. Kiar opened the public hearing portion of the meeting.

Lloyd Phillips, 14220 SW 29 Court, was concerned that acreage in Davie was disappearing. He asked that dry acreage be required as opposed to some of the wet acres allowed and that wildlife be preserved.

Terry Fuller, 4875 SW 57 Terrace, asked that the road on 58th Avenue be improved and added that he felt that a canal should be constructed to help with stormwater flow as nursery homes on the north property continually flooded when it rained.

## **TOWN COUNCIL MINUTES**

### **DECEMBER 1, 2004**

Brent Adrian, 5600 SW 48 Street, did not object to 98 homes if the site conditions supported them. He wanted to see additional buffers provided for the western 500-foot portion to separate where the agricultural farms adjoined residential properties.

Marie Kaplan, 5721 SW 54 Court, requested that this issue be tabled to the second meeting in January 2005 and advised that she had attended meetings with Home Dynamics but was unclear as to what they were building. She felt that the residents needed more information. Ms. Kaplan presented a list of requests and recommendations.

Rebecca Mele, 5251 SW 49 Street, felt that although Home Dynamics had presented a better plan, Council needed to keep some of the residents' concerns in mind.

Pam Pelkey, 4810 SW 54 Terrace, voiced her concerns about drainage and access on 52nd and 58th Avenues. She commended Home Dynamics for accommodating residents' concerns.

Doris Monier supported the project but stated that some residents still had some questions, specifically concerning the variance request pertaining to reducing square footage of lot sizes. Ms. Monier stated that she was uncomfortable with Council acting on this item as it would be making a decision based on information it did not have yet.

Nicole Colletti, 5291 SW 48 Street, thanked Council for its support.

Dan Cunningham, 5347 SW 48 Street, felt that not everyone would be appeased by any plan devised. He voiced his support for the project.

Mr. Kiar closed the public hearing.

Mr. Mele addressed some of the residents' concerns. He indicated that the site plan could not be given to the residents yet because the planning process was sequential and the rezoning needed to pass first. Mr. Mele committed to the following: 1) there would be two entrances; 2) drainage would remain on the property; 3) lot sizes would not be less than 20,000 feet; and 4) the wildlife survey would be done. Mr. Mele requested that Council approve the project.

Mayor Truex asked if anything was "coming down the pike" on this property besides the rezoning application. Mr. Mele advised that only the variance request mentioned earlier would be forthcoming.

Councilmember Crowley asked if the applicant would object to notifying the residents when the project would come before the Central Broward Water Control District, so residents could address the meeting. Mr. Mele indicated in the affirmative as long as there was a method for who to notify and suggested that the Town's notice radius be used. Mayor Truex also suggested that the people who attended the petitioner's meetings be notified. Mr. Mele suggested that individuals at tonight's meeting could sign up and a notice would be sent to them as well. Councilmember Crowley suggested that the Central Broward Drainage District also be notified.

Vice-Mayor Paul asked "if there would be a trail on the east and west sides of the property that would go north-south and have access to Sunny Lake." Mr. Mele responded in the affirmative.

Councilmember Starkey advised that she had attended several workshops and spoken with representatives of Home Dynamics and residents.

Mayor Truex indicated that he would vote in favor of this project. Councilmember Hubert also voiced her support for the project. Councilmember Crowley voiced his support for the rezoning and thanked the developer for their efforts in bringing forth a project with one dwelling unit per acre. Councilmember Starkey voiced her support for the project.

Vice-Mayor Paul advised that that this discussion demonstrated that Council was adhering to the comprehensive plan. Vice-Mayor Paul spoke of the need for more trees along the trails and about the need for wetlands on site.

Councilmember Hubert made a motion, seconded by Councilmember Crowley, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Paul - yes; Councilmember Crowley - yes; Councilmember Hubert - yes; Councilmember Starkey - yes. (Motion carried 5-0)



**TOWN COUNCIL MINUTES  
DECEMBER 1, 2004**

*Items to be tabled*

**6.2. STAFF REQUESTING A TABLING TO FEBRUARY 16, 2005**

REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, REZONING CERTAIN REAL PROPERTY IN THE TOWN OF DAVIE AS SHOWN IN THE ATTACHED MAP FROM THE FOLLOWING ZONING DISTRICTS: HACIENDA VILLAGE (M-1, M-2, M-3, M-4, C-1, B-3, RM-5), BROWARD COUNTY (M-1, M-3, M-4, A-1, A-5, B-3), AND TOWN OF DAVIE (OLD CODE - RC-3, RC-8) TO VALID TOWN OF DAVIE ZONING DISTRICTS (B-3, M-1, M-2, M-3, RM-5, RM-8, RS, T) IN ACCORDANCE WITH TOWN OF DAVIE ORDINANCE NO. 2003-21; ADOPTING THE OFFICIAL ZONING MAP FOR ZONING CONFORMANCE AREA 1 MORE SPECIFICALLY DEFINED AS EAST OF FLORIDA'S TURNPIKE, NORTH OF ORANGE DRIVE TO THE NORTHERN AND EASTERN LIMITS OF THE TOWN AND ZONING CONFORMANCE AREA 2 MORE SPECIFICALLY DEFINED AS EAST OF UNIVERSITY DRIVE, SOUTH OF GRIFFIN ROAD, WEST OF 76 AVENUE AND NORTH OF STIRLING ROAD; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (tabled from October 6, 2004)

This item was tabled earlier in the meeting.

**6.3. PLANNING AND ZONING BOARD TABLED TO JANUARY 12, 2005; COUNCIL CAN TABLE TO FEBRUARY 2, 2005**

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING PETITION VA 12-1-03, VACATING THE ROAD RIGHT-OF-WAY EASEMENT ON THE PROPERTY LOCATED AT 3655 SHOTGUN ROAD; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (VA 12-1-03, Oak Scholar of Broward, 3655 Shotgun Road)

This item was tabled earlier in the meeting.

**6.4. PLANNING AND ZONING BOARD TABLED TO JANUARY 12, 2005; COUNCIL CAN TABLE TO FEBRUARY 2, 2005**

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 2-4-03, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM AG, AGRICULTURAL DISTRICT TO CF, COMMUNITY FACILITIES DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 2-4-03, Oak Scholar of Broward, 3655 Shotgun Road)

This item was tabled earlier in the meeting.

**TOWN COUNCIL MINUTES  
DECEMBER 1, 2004**

**7. APPOINTMENTS**

- 7.1. Agricultural Advisory Board (one exclusive appointment - Councilmember Starkey; term expires April 2006) (insofar as possible, members shall have experience in agricultural matters, related occupations or other similar skills)

No appointment was made.

- 7.2. Child Safety Board (Councilmember Crowley and Starkey and Mayor Truex; terms expire April 2006) (whenever possible, members shall have interest and expertise in law enforcement, elementary school instruction, child psychology, pediatric medicine, parenthood and grandparenthood)

No appointments were made.

- 7.3. Community Redevelopment Agency (one exclusive appointment - Vice-Mayor Paul; term expires April 2006) (members shall either reside or engage in business within the jurisdiction of the Town)

Vice-Mayor Paul appointed Amy Rose.

- 7.4. Open Space Advisory Committee Agency (one exclusive appointment - Mayor Truex; term expires April 2006)

No appointment was made.

- 7.5. School Advisory Board (one exclusive appointment - Mayor Truex; term expires April 2006) (insofar as possible, members are to have experience in educational matters)

No appointment was made.

- 7.6. Senior Citizen Advisory Committee (one exclusive appointment - Councilmembers Crowley and Mayor Truex; two exclusive appointments - Councilmember Hubert; terms expire April 2006) (members shall be a minimum 60 years of age)

No appointments were made.

- 7.7. Water and Environmental Advisory Board (one exclusive appointment - Vice-Mayor Judy Paul; term expires April 2006) (insofar as possible, one member shall be a licensed engineer)

Vice-Mayor Paul appointed Donald Pritchard.

**8. OLD BUSINESS**

- 8.1. Bond Issue

Assistant Town Administrator Ken Cohen explained the purpose of various documents presented in a package provided for discussion on the topic of a bond referendum requested by the Open Space Advisory Board. Mr. Cohen advised that staff felt the \$25 million bond request for open space acquisition was appropriate in light of the four-fold increase in property values over recent years. Mr. Cohen stated that staff wanted to set a limit of purchasing no less than five-acre properties in order to achieve the goal of balancing open space utilization.

Vice-Mayor Paul felt this was a good start for Council. She reminded staff that Council had requested information on whether plans were in place for a referendum in March, 2005.

Town Clerk Muniz advised that staff had called the Supervisor of Elections office and stated that there was some talk about an issue coming forward in March 2005 regarding pari-mutuels. He suggested

## **TOWN COUNCIL MINUTES**

### **DECEMBER 1, 2004**

that the Town piggyback on this election in order to save a significant amount of money. Town Clerk Muniz advised that the timeline for a March election would be tight and indicated that there were other options available. He indicated that a special election could be held or a special absentee ballot election at a different time. Town Clerk Muniz pointed out that his comparison of an absentee ballot versus a traditional election indicated that the costs were similar and that the Town would save a small amount of money. He advised that the cost of a special election or an absentee ballot election would cost approximately \$60,000.

Mayor Truex asked about the necessary timeline. Town Clerk Muniz advised that the deadline for sending in the necessary information would be prior to January 19, 2005; therefore, an ordinance would have to be heard twice, or a special meeting held prior to this date. He indicated that an absentee ballot election would provide the Town the flexibility.

Mayor Truex felt this issue should go before the Budget Advisory Committee for its input as it involved a large amount of money. He did not feel Council would be adequately prepared to meet the January 2005 deadline. Mayor Truex pointed out with previous bond issues, there were additional price tags to be negotiated based on the desired improvements.

Vice-Mayor Paul pointed out that the Town was far ahead based on the dramatic increase in the value of properties the Town had purchased with the previous bond issue. Mayor Truex agreed with spending money on land because prices were rising but did not agree with “just picking a number out of a hat.” He pointed out that this money could not be used for maintenance, which had to be considered.

Councilmember Starkey felt that despite the Council doing a good job on existing parks and trails, there was always room for improvement. She pointed out that Council could only fund linkage of trails through a bond issue, because the budget was so lean and because fewer revenue streams were coming in from the state. Councilmember Starkey stated that she was in favor of possibly using the absentee ballot system and felt that a campaign that spelled out equity would be effective. She indicated the difficulty of putting parks on existing properties in some districts. Councilmember Starkey felt Council should look at equity in areas where the Town did not have existing parks.

Councilmember Crowley was in favor of moving forward on this item, but felt that March 2005 was too soon as he wanted to see final numbers and costs for residents. He agreed with Mayor Truex that the Budget Advisory Board and the Parks and Recreation Advisory Committee should provide input.

Councilmember Hubert spoke against this measure as she did not feel the Town should be buying more open space when more important problems existed. She pointed out that some residents and seniors were in danger of losing their homes, while the Town was considering buying more land and building a dog park.

Linda Greck, Vice-Chair of the Open Space Advisory Committee, stated that the Committee was in support of the bond issue as the board members felt further delay would lessen the Town’s opportunities to buy open space properties in the future.

Mr. Kovanes stated that “if the Town looked at a large parcel and did a pre-acquisition for a grant reimbursement, it could go as high as 100% or 60%, which would provide a larger reimbursement of funds that could be re-circulated within the Town’s operating budget for parks, open spaces and trails.”

## **9. NEW BUSINESS**

### **9.1. Employee Health Insurance.**

Councilmember Hubert voiced her concern about the large increase in the employee health insurance rates. Mr. Kovanes advised that he had requested additional research from the insurance agent as to whether the 40% increase was an accurate number. He advised that for now, he did not want to report on any specific percentage increase until it was determined if this increase was justified.

## **TOWN COUNCIL MINUTES DECEMBER 1, 2004**

Councilmember Crowley stated that if the increase were to go into effect, he wanted Council to have an opportunity to discuss it. Councilmember Starkey pointed out that the anticipated increase was one reason why some had chosen to go with the self-insured option. Mayor Truex pointed out that while he shared the concern about the increased cost, he felt employees were getting a good health insurance value.

### **10. MAYOR/COUNCILMEMBER'S COMMENTS COUNCILMEMBER HUBERT**

**FOOD DRIVE.** Councilmember Hubert spoke of her efforts to collect food for the Thanksgiving food drive.

### **COUNCILMEMBER STARKEY**

**BILLBOARDS.** Councilmember Starkey spoke of a petition initiative going around the State to stop billboard blight. She advised that additional details were available on the website [www.scenicbeauty.org](http://www.scenicbeauty.org). Councilmember Starkey urged those interested in signing the petition to participate.

**HOLIDAYS.** Councilmember Starkey wished everyone Happy Holidays.

### **VICE-MAYOR PAUL**

**WASTE MANAGEMENT.** Vice-Mayor Paul voiced her disappointment with Waste Management's service and spoke of serious problems that the residents were having in District 4 regarding pickup of bulk waste. She explained that when some residents put out more than six cubic yards, Waste Management did not pick up any waste at all. Vice-Mayor Paul stated that Waste Management should at least pick up the six cubic yards it was contracted to pick up. She felt that Waste Management was not responsive to the needs of District 4. Vice-Mayor Paul asked that staff address this and stated that she would "pound on this issue until something was done."

**SIGNAGE.** Vice-Mayor Paul spoke of signage issues at Honey Lakes and advised that the homeowner involved still had not heard a response from anyone.

**CITRUS CANCER.** Vice-Mayor Paul spoke of the citrus tree canker cutters and advised residents on their options regarding cutting trees. She encouraged residents to ensure that all their questions were answered before allowing cutters onto their property.

**HUMAN RESOURCES.** Vice-Mayor Paul stated that she had serious issues with the processes used by the Town's Human Resources Department. She felt their practices "cost the Town money by not keeping in touch with reality." Vice-Mayor Paul also felt the department had to perform with the best interest of the residents and employees of the Town.

**TOWN ADMINISTRATOR.** Vice-Mayor Paul felt Mr. Kovanes was doing a great job and she opposed any movement by Human Resources to conduct a search for a permanent town administrator. She did not think the Human Resources Department was capable of conducting this search amid the many other problems they had. Vice-Mayor Paul stated that Mr. Kovanes was doing a very good job and if Human Resources could not effectively protect the Town through its practices, it was the responsibility of Council to do so.

Councilmember Starkey also felt Mr. Kovanes was doing an excellent job and was, in some ways, exceeding her expectations with regard to attacking lingering issues and problems. She pointed out that Mr. Kovanes dissolved issues quickly and effectively. Councilmember Starkey was not interested in having Human Resources conduct a search for a Town Administrator as she felt Council was capable of establishing the criteria to be used for a search. She stated that she frequently received complaints about the hiring process for police, fire and emergency medical personnel and pointed out that oftentimes, the complaints related to poor communication and lack of follow up during the lengthy hiring process.

## **TOWN COUNCIL MINUTES**

### **DECEMBER 1, 2004**

Councilmember Starkey stated that she was in favor of outsourcing search services to hire these specific personnel as in many ways they needed to be qualified based on stricter standards and requirements.

Mayor Truex stated that he had no serious concerns with Human Resources. He indicated that Council had agreed to let Human Resources come up with the recommended process for conducting the search for a Town Administrator, as opposed to conducting the search itself.

Mr. Kovanes advised that Human Resources Director Mr. Alan had approached him prior to the meeting and advised that he had come up with documentation that he could share with Council regarding this matter. Vice-Mayor Paul felt Human Resources had a lot more on its plate than it could handle. Mr. Kovanes stated that Mr. Alan was prepared to distribute the information he had compiled. Councilmember Starkey stated she preferred to meet individually with Mr. Alan to review the information.

#### **MAYOR TRUEX**

**AFFORDABLE HOUSING.** Mayor Truex asked if affordable housing was within Community Housing and Development Director Shirley Taylor-Prakelt's domain. He asked if that a meeting be scheduled with staff and the residents who spoke earlier about the need for more affordable housing.

**PRESENTATIONS.** Mayor Truex stated that placing presentations on the agenda for the second meeting on even-numbered months was working very well. He requested staff's cooperation in scheduling requests for long presentations on these agendas.

Vice-Mayor Paul also asked for a list of names and addresses of the residents who spoke earlier in the meeting regarding their housing difficulties. Councilmember Hubert voiced her concerns about the lack of affordable housing in Davie.

#### **11. TOWN ADMINISTRATOR'S COMMENTS**

**WATER SURCHARGE.** Mr. Kovanes spoke of the local bill relative to the water surcharge sponsored by Representative Mike Davis and announced that the public hearing was scheduled for December 22, 2004.

**AIRPORT MEETING.** Mr. Kovanes announced that the Fort Lauderdale/Hollywood International Airport Noise Abatement Committee meeting was scheduled for December 13, 2004 at the Broward County Aviation Division offices. He advised that the Town's PowerPoint presentation was available on the Town's website.

**SCHOOL BOARD.** Mr. Kovanes advised that the Broward County School Board was providing several summits to educate staff, members of advisory boards and other stakeholders. He announced that the first meeting was scheduled for February 18, 2005 at South Broward High School.

**VAN KIRK.** Mr. Kovanes advised that the mitigation agreement pertaining to Home Dynamics on the Van Kirk property was scheduled to come before Council on December 15, 2004. He advised that the final details were currently being worked out and explained that the process of getting reimbursement of funds from the County was lengthy.

Mr. Kiar advised that the closing was anticipated to be held December 15, 2004 and stated that some remaining issues needed to be ironed out with the County. He indicated that he and Mr. Laystrom would be meeting with Mr. Kovanes the following day to satisfy these issues.

#### **12. TOWN ATTORNEY'S COMMENTS**

No comments were made.

**TOWN COUNCIL MINUTES**  
**DECEMBER 1, 2004**

**13. ADJOURNMENT**

As there was no further business to discuss and no objections, Mayor Truex adjourned the meeting at 11:57 p.m.

Approved \_\_\_\_\_

\_\_\_\_\_  
Mayor/Councilmember

\_\_\_\_\_  
Town Clerk